

REMARKS

In response to the Office Action dated August 25, 2004, Applicant respectfully requests reconsideration and withdrawal of the rejections of the claims and objections to the disclosure. The allowance of claims 33-35 and 40 is noted with appreciation.

Claims 21-32 and 36-39 were rejected under the first paragraph of 35 U.S.C. §112, on the grounds that they failed to comply with the written description requirement. The Office Action indicates that the Examiner does not find any support for the claimed curvatures being "substantially equal but opposite" or "generally equal and opposite." To remove the basis for this ground of rejection, claims 21, 22 and 24 have been amended to remove the recitation that the curvatures are "equal." Support for the remaining portion of the term, e.g., that the curves are substantially opposite, can be found in the specification, for example at page 6, line 18.

The drawings were objected to as not showing the claimed recitation of curvatures being substantially equal but opposite, and the specification was objected to on the same basis. In light of the foregoing amendments to the claims to remove the reference to "equal," it is believed that the basis for these objections has been removed.

Claims 24 and 25 were rejected under the second paragraph of 35 U.S.C. §112, as being indefinite. In response thereto, claim 24 has been amended to remove the basis for this ground of rejection.

Claims 21-24 and 27 were rejected under 35 U.S.C. §103, on the grounds that they were considered to be unpatentable over the Kimchi et al patent. Claims 25, 28, 32, 36, 37 and 39 were also rejected on the basis of the Kimchi patent, in view of secondary references. It is respectfully submitted that the Kimchi patent neither discloses, nor otherwise suggests, the subject matter recited in these claims.

Claim 21 recites a carrying strap having a shoulder engaging portion that is intermediate of first and second strap portions. Each strap portion has a proximal section and a distal section that are joined together with a first curvature. The proximal sections are joined to the shoulder portion with a second curvature. As a result of these dual curvatures, the strap has a substantially rounded "W" shape between its longitudinal ends. This overall shape causes the proximal and distal sections of the strap portions to respectively direct the weight of a load towards and away from the centerline of the body of the person carrying the load.

The rejection alleges that the shoulder strap disclosed in the Kimchi patent has a concave edge adjacent the neck and adjoining convex portions on each end. It is respectfully submitted that the Kimchi patent does not disclose a strap having a dual curvature that functions to direct the weight of a load both towards and away from the body centerline of the person carrying the load. Rather, as illustrated in Figure 1, when viewed as a whole, the strap has a single curvature, which is defined by the angle 10 between the diverging strap segments 6 and 8. This arrangement imparts a "V" shape to the strap. As a result, the strap only functions to direct the load in a single direction, e.g., away from the centerline when employed as shown in Figures 4 and 5.

In suggesting that the Kimchi patent discloses convex portions on each end of the strap, it appears that reference is being made to the pad 4 which is attached to the strap 2. This pad has a shape wherein it is relatively narrow at the apex 14 of the strap, diverges to wider segments 32 and 34, and then tapers down to the width of the strap at its distal ends. The Office Action is apparently referring to the area of this taper as being a convex curvature. It is respectfully submitted, however, that the tapering of the pad does not impart a curvature to the strap, per se. Furthermore, the tapering of the pad does not function to direct a load in a direction opposite to the direction that is imparted by the curve 10.


Accordingly, it is respectfully submitted that the Kimchi patent does not disclose a shoulder strap having dual curvatures that function to direct a load both towards and away from the centerline of a person carrying the load. Reconsideration and withdrawal of the rejections based upon the Kimchi patent is therefore respectfully requested.

In view of the foregoing, it is respectfully submitted that all pending claims are in condition for allowance, and a notice to that effect is respectfully solicited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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By: 
James A. LaBarre
Registration No. 28,632

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620